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**Board of Vocational Nursing
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General
of the State of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6375
Facsimile: (213) 897-2804

Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-513

JUDITH MARITZA GARCIA
a.k.a., JUDITH MARITZA MARTINEZ
1953 Park Rose Avenue
Duarte, CA 91010

A C C U S A T I O N

Vocational Nurse License No. VN 209456

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.
2. On or about June 9, 2004, the Board issued Vocational Nurse License No. VN 209456 to Judith Maritza Garcia, also known as Judith Maritza Martinez (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2009, unless renewed.

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1 8. California Code of Regulations, title 16, section 2521, states:

2 “For the purposes of denial, suspension, or revocation of a license pursuant to
3 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
4 act shall be considered to be substantially related to the qualifications, functions or duties of a
5 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
6 licensed vocational nurse to perform the functions authorized by his license in a manner
7 consistent with the public health, safety, or welfare.”

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of a Substantially Related Crime)**

14 10. Respondent is subject to disciplinary action under sections 2878,
15 subdivision (f) and 490 of the Code, as defined in California Code of Regulations, title 16,
16 section 2521, in that Respondent was convicted of a crime substantially related to the
17 qualifications, functions or duties of a licensed vocational nurse, as follows:

18 a. On or about April 20, 2007, Respondent was convicted by the Court on a
19 guilty plea for violating one count of Penal Code section 487(a), a felony (Grand Theft
20 Property), in the Superior Court of California, County of Los Angeles, Central Judicial District,
21 Case No. BA309383 entitled *The People of the State of California v. Judith Maritza Martinez*.
22 Respondent was placed on 3 years of formal probation, and sentenced to 180 days in jail.

23 b. The circumstances surrounding the conviction are that on or about
24 September 16, 2006, Respondent, while employed by Virgil Farm Market as cashier, unlawfully
25 took from Virgil Farm Market money in the amount of \$1,900.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dishonest Act)**

3 11. Respondent is subject to disciplinary action under section 2878,
4 subdivision (j) of the Code, in that on or about September 16, 2006, Respondent committed an
5 act involving dishonesty, by stealing money and personal property from Virgil Farm Market, in
6 Los Angeles, California, as more fully set forth above in paragraph 10.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 12. Respondent is subject to disciplinary action under section 2878,
10 subdivision (a) of the Code, in that on or about September 16, 2006, Respondent engaged in
11 unprofessional conduct, for the reasons stated in Paragraphs 10 and 11.

12 **PRAAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Vocational Nurse License No. 209456, issued to
16 Judith Maritza Garcia, also known as Judith Maritza Martinez;
17 2. Ordering Judith Maritza Garcia to pay the Board the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code
19 section 125.3;
20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: May 1, 2008
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24 TERESA BELLO-JONES, J.D., M.S.N., R.N.
25 Executive Officer
26 Board of Vocational Nursing and Psychiatric Technicians
State of California
Complainant